IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 27137 of 2005(S)

OA.303/2002 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. **THE ADMINISTRATOR, UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.**

2. **THE SECRETARY TO ADMINISTRATOR UTL, COCHIN-3.**

3. **THE PRINCIPAL PAY AND ACCOUNTS OFFICER, UTL, KAVARATTI.**

BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN

RESPONDENTS:
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1. **B.C. ABDUL HAYATH, PEON, PRINCIPAL PAY AND ACCOUNTS OFFICE UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.**

2. **UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, NEW DELHI. (4TH RESPONDENT IN O.A.)**

BY ADV. SRI.P.R.RADHAKRISHNAN, CGC
SRI.N.UNNIKRISHNAN FOR R1
SRI.JOHN VARGHESE FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).27137/2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORIGINAL APPLICATION NO.303 OF 2002 FILED BY THE RESPONDENT.

EXT.P2: COPY OF THE REPLY STATEMENT FILED BY THE PETITIONERS.

EXT.P3: COPY OF THE REJOINDER FILED BY THE RESPONDENT.

EXT.P4: COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY THE PETITIONERS.

EXT.P5: COPY OF THE ADDITIONAL REJOINDER FILED BY THE RESPONDENT.

EXT.P6: COPY OF THE ORDER PASSED BY THE CAT IN O.A.303 OF 2002 DATED 14.12.2005.

EXT.P7: COPY OF THE ORDER OF STAY IN CW 2317 OF 2002 ISSUED BY THE HON'BLE HIGH COURT OF DELHI DATED 12.4.2002.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.27137 OF 2005 (S)

Dated this the 19th day of March, 2007

J U D G M E N T

KOSHY,J.

First respondent joined the service as casual labourer in the department of Agriculture on daily wages on 1.6.1979 and he was granted temporary status with effect from 1.9.1993 by order dated 9.10.1996. On 20.2.2001, he was offered temporary Group D post of Peon in the scale of pay of Rs.2550 – 55 – 2660 – 3200 along with other allowances and he was appointed on regular basis in Group D by order dated 17.3.2001 in the scale of pay of Rs.2,840/-, protecting the pay he was receiving at that time. When action was taken to revise the payment to Rs.2,550/- contending that he will get only the minimum of the pay scale when his services were regularised, he approached the Central Administrative Tribunal. Tribunal after analysing various cases held that the respondent had very long service and his protection of pay was correctly done at the

time when he was granted regular employment. When he was absorbed in Group D post as Peon there is nothing wrong in protecting the pay that he was drawing. We see no ground to interfere in the order of the Tribunal as there is no patent illegality and perverse findings so as to attract Article 227 of the Constitution of India. Hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007